

## **II. Remarks**

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1, 3, 8-11, 15, 20-25, 29-32, 35, 40-43 and 45-53 are pending in the application. Claims 1, 24, 45 and 51 are independent.

In the Official Action, the Examiner has rejected claims 1 and 3 to 43 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,519,770 to Ford (“Ford”) in view of U.S. Patent No. 7,370,343 to Ellis (“Ellis”) and U.S. Patent No. 5,610,653 to Abecassis (“Abecassis”). As mentioned above, claims 1, 3, 8 to 11, 15, 20 to 25, 29 to 32, 35, 40 to 43 and 45 to 53 stand in the subject application. For the purpose of this response, Applicants will assume the Examiner’s rejection under 35 U.S.C. §103(a) in view of Ford, Ellis and Abecassis applies to these claims.

Independent claim 1 recites an apparatus for selectively replacing objectionable content in a video program intended for viewing on a display screen comprising a first video signal with less-objectionable content, comprising an extraction device receiving at least a portion of the first video signal and configured to extract information therefrom; a replacement control device; a processor operatively coupled to said replacement control device and communicatively coupled to said extraction device for receiving at least a portion of said extracted information therefrom; a memory coupled to said processor and storing a replacement criterion; said processor programmed to identify replacement information in said extracted information; a replacement video signal including said less-objectionable content communicatively coupled to said replacement control device; and said processor programmed to cause said replacement control device to replace a portion of the first video signal with said replacement video signal in response to identifying replacement information that satisfies said replacement criterion, wherein said less-objectionable content comprises advertising and wherein the advertising only replaces a specified subregion of displayed video frames corresponding to the location of the objectionable content within the displayed video frames.

Ford discloses a system for filtering out potentially objectionable content from a video signal. The system is preferably implemented with user equipment such as a set-top box, a dedicated stand-alone box, a videocassette recorder, or circuitry in other television equipment. Videos to be filtered have embedded information that identifies potentially objectionable

substitution events. The system determines which substitution events are to be filtered out based on selectable ratings settings. If desired, filtered video images may be replaced with blank video images and filtered audio signals may be replaced with silence or a tone. Filtering may also be accomplished by disrupting the event to be filtered (e.g., by garbling the event). Filtering may involve making substitutions of audio or video information. For example, audio information in a substitution event may be replaced by appropriate audio segments. Video information in a substitution event may be replaced by a video still or by a video clip. The entire video frame may be replaced with the substitution video or a portion of the video frame such as half of the video frame may be replaced with the substitution video.

Ellis discloses an interactive television program guide for supporting programming blackouts. In some embodiments, the interactive television program guide may unschedule the reminding and recording of blacked-out programs that have been scheduled by a user for reminding or recording. In some embodiments, the interactive television program guide may prevent a user from scheduling blacked-out programs for reminding and recording. In some embodiments, the interactive television program guide may prevent a user from ordering blacked-out pay-per-view programs. In some embodiments, the interactive television program guide may provide blackout information in information displays. In some embodiments, the interactive television program guide may provide replacement media for blacked-out programs.

Abecassis discloses a video method and system for automatically tracking a viewer defined target within a viewer defined window of a video image as the target moves within the video image by selecting a target within the video, producing an identification of the selected target, defining a window within a video, utilizing the identification to automatically maintain the selected target within the window of the video as the selected target shifts within the video and transmitting the window of the video.

The Examiner alleges that the combination of Ford, Ellis and Abecassis renders the claimed invention obvious to one of ordinary skill in the art. Applicants respectfully disagree. The Examiner notes that Ford is silent in regards to disclosing a replacement video signal including less-objectionable content and a processor programmed to cause the replacement of a portion of a first video signal with the replacement video signal. Applicants also wish to point out that Ford is silent in regards to disclosing less-objectionable content comprising advertising and wherein the advertising only replaces a specified subregion of

displayed video frames corresponding to the location of the objectionable content within the displayed video frames. The Examiner then relies on Ellis for disclosing the feature of a replacement video signal including less-objectionable content communicatively coupled to a replacement control device and relies on Abecassis for disclosing the feature of a processor programmed to cause the replacement control device to replace a portion of the first video signal with a replacement video signal in response to identifying replacement information that satisfies the replacement criterion and wherein the advertising only replaces a specified subregion of displayed video frames corresponding to the location of the objectionable content within the displayed video frames. To support the Examiner's position with regard to Abecassis, the Examiner points to Figures 1 to 3 and column 11, lines 35 to 62 of Abecassis.

Applicants respectfully submit that Abecassis in no way shows, teaches or suggests a processor programmed to cause the replacement control device to replace a portion of the first video signal with the replacement video signal in response to identifying replacement information that satisfies the replacement criterion, *wherein the less-objectionable content comprises advertising and wherein the advertising only replaces a specified subregion of displayed video frames corresponding to the location of the objectionable content within the displayed video frames*, as recited. Abecassis teaches a video segment map that allows segments of video, comprising one or more video frames that have been designated with certain ratings, to be skipped allowing a continuous viewing of video. In particular, at column 11, lines 32 to 62, Abecassis states:

“A video segment map then is the combination of the various segment definitions in a video. In the above example the video map would provide the following information: **4112-5109/35351-38975/5175-6026,135-4,6027; 4112-6026,135-3,6027; 4112-5205/35205-35350,135-1,6027**. This map would enable, for example, to automatically retrieve the segment defined by frames **4112-5109**, followed by segment defined by frames **35351-38975**, and followed by the segment defined by frames **5175-6026** in response to a viewer's preference for a graphic level of violence **(135-4)**.

It is noted that, for simplicity of presentation, in each of the segment definitions above, the next logical segment is the same, namely the segment beginning with frame **6027**. As suggested earlier, this need not be the case.

A video having a video frame identified by number **5100** and a video frame identified by number **5200**, need not have video frames identified by numbers **5101 to 5199**. It is also noted that segment definitions need not be based on frame numbers, any timing or logging format that defines the video material may instead or in addition be utilized. The segment definitions may be dynamic and can be automatically redefined or renumbered as a particular system or platform requires.

The exact physical location of a segment is a function of the hardware and software of the host media. Portability of a video segment map among platforms may be facilitated by a proprietary standard or by commercial tools. To that extent, the teachings at Avid Technology, Inc.'s "OMF Interchange Specification" are incorporated by reference."

As the Examiner will appreciate, in no way does Abecassis show, teach or suggest modifying a **subregion of a displayed video frame**. Rather, Abecassis simply allows video frames forming a segment that have been designated with a certain rating to be skipped. Thus, Abecassis teaches to skip entire video frames having objectionable content. Abecassis does **NOT** teach to modify subregions of video frames. As Abecassis, contrary to the Examiner's allegation, does not show, teach or suggest a processor programmed to cause the replacement control device to replace a portion of the first video signal with the replacement video signal in response to identifying replacement information that satisfies the replacement criterion, *wherein the less-objectionable content comprises advertising and wherein the advertising only replaces a specified subregion of displayed video frames corresponding to the location of the objectionable content within the displayed video frames*, as recited, combining Ford, Ellis and Abecassis in any way therefore does not result in the Applicants' invention as claimed.

In the Applicants' invention, unlike the cited prior art, because only portions of displayed video frames corresponding to objectionable content are replaced with advertising, the viewer can still watch the video program without the viewing experience being negatively impacted. Further, because the advertising corresponds only to subregions of displayed video frames that include objectionable content, the advertising can be matched to the video content to minimize the impact the advertising has on the video program being displayed. For example, during a nude scene, the appropriate portion(s) of displayed video frames can be replaced with clothing advertisements.

Accordingly, Applicants respectfully submit that independent claim 1 and the claims dependent thereon distinguish patentably over the cited references and should be allowed. Independent claims 24, 45 and 51 and the claims dependent thereon are also believed to distinguish patentably over the cited references at least for the same reasons set forth above and should be allowed.

In view of the above, it is believed the application is in order for allowance and action to that end is respectfully requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3507. All correspondence should be directed to the address given below.

Respectfully submitted,

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